

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LESLIE GORDON,

Petitioner,

v.

Case Number 07-10899

Honorable David M. Lawson

SUSAN DAVIS,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO DISMISS AND DISMISSING  
PETITION WITHOUT PREJUDICE**

The petitioner has filed a motion asking this court to dismiss her habeas petition without prejudice to allow her to exhaust her claims in state court and re-file the petition. The Court believes the petitioner's request has merit because some of her claims are unexhausted. The doctrine of exhaustion of state remedies requires state prisoners to "fairly present" their claims as federal constitutional issues in the state courts before raising those claims in a federal habeas corpus petition. *See* 28 U.S.C. § 2254(b)(1)(A) and (c); *O'Sullivan v. Boerckel*, 526 U.S. 838, 844 (1999); *McMeans v. Brigano*, 228 F.3d 674, 680-81 (6th Cir. 2000); *Rust v. Zent*, 17 F.3d 155, 160 (6th Cir. 1994). The petitioner's motion will therefore be granted.

Accordingly, it is **ORDERED** that the petitioner's motion to dismiss her habeas petition [dkt # 8] is **GRANTED**. The petition is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: April 23, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 23, 2007.

s/Felicia M. Moses  
FELICIA M. MOSES